

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Peter Chibinda, et al.,	:	
	:	
Petitioner(s),	:	
	:	Case Number: 1:18cv780
vs.	:	
	:	Judge Susan J. Dlott
Attorney General, et al.,	:	
	:	
Respondent(s).	:	

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on November 7, 2019 a Report and Recommendation (Doc. 16). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 17) and the respondents' filed a response to the objections (18).

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendation should be adopted.

Accordingly, respondents' motion to dismiss (Doc. 11) is GRANTED and this actions is DISMISSED without prejudice.

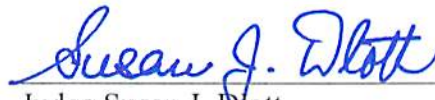
A certificate of appealability will not issue under the standard set forth in *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000), because "jurists of reason" will not find it debatable whether the Court is correct in its procedural ruling that it lacks subject matter jurisdiction. See

e.g. Wunderlich v. City of Flushing, No. 14cv14626, 2014 WL 7433411, at *3 (E.D. Mich. Dec. 31, 2014) (applying *Slack* to dismissal for lack of subject matter jurisdiction).

The Court certifies pursuant to 28 U.S.C. §1915(a)(3) that with respect to any application by petitioner to proceed on appeal *in forma pauperis*, an appeal of any Order adopting the Report and Recommendation will not be taken in “good faith.”. Therefore, petitioner is DENIED leave to appeal *in forma pauperis*. See Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).

The case is hereby TERMINATED from the docket of this Court.

IT IS SO ORDERED.



Judge Susan J. Dlott
United States District Court